

## **REMARKS**

The Examiner's Office Action dated April 21, 2006 has been received and carefully considered. Applicant accepts the issuance of this new, non-final Office Action as an indication that its arguments presented in the Appeal Brief (submitted January 18, 2006) were persuasive. In conformance with the applicable statutory requirements, this paper constitutes a complete reply to the latest Office Action and/or a bona fide attempt to advance the subject application to allowance. Specifically, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

### **Summary of the Office Action**

Claims 1, 9-12 and 13-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Bobeczko et al. (U.S. Patent No. 6,557,742).

Claims 1-5, 9-12 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobeczko et. in view of Sanda et al. (U.S. Patent No. 6,851,644).

Claims 6-8 and 19-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bobeczko et al. in view of McBride (U.S. Patent No. 3,756,760).

### **Claims Distinguish Patentably Over the Reference(s) of Record**

Applicant would like to highlight that the Examiner's primary reference, U.S. Patent No. 6,557,742 to Bobeczko et al., is commonly owned by Applicant/Assignee Lincoln Global, Inc. Moreover, the '742 patent issued on May 6, 2003, which is less than one year prior to the filing date of the subject application, and does not appear to have been published prior to its date of issuance. Under § 102(b), a person shall be entitled to a patent unless the invention was patented more than one year prior to the date of the application for patent in the United States. Since the subject application was filed on July 9, 2003, less than one year after the issue date of the '742 patent, Applicant respectfully submits that the '742 patent is not a proper § 102(b) prior art reference. Accordingly, Applicant respectfully requests all the § 102(b) rejections applying Bobeczko et al. be withdrawn, including those against claims 1, 9-12 and 13-14.

Notwithstanding the foregoing, Applicant respectfully asserts that Bobeczko et al. does not anticipate any of claims 1, 9-12 or 13-14, even if it were applied as a proper prior art reference. On page 1 of the Office Action, the Examiner asserts that Bobeczko et al. teaches "a plating 34" on "drive roll 34". Applicant respectfully disagrees. A detailed review of Bobeczko et al. reveals no disclosure or fair suggestion of a plating on the drive roller 34. There is disclosure of a "flexible outer cover 36" that is "preferably plastic or rubber." However, this seems well outside the scope of the limitation "plating" (i.e., the word "plating" does not encompass or remotely connote a flexible rubber or plastic material).

For this reason, Applicant respectfully asserts that claims 13 and 14 are in condition for allowance (claims 1 and 9-12 are further addressed below).

As indicated in the preceding Summary section, claims 1-5 and 9-12 were additionally rejected, along with claims 15-18, as being obvious over the combination of Bobeczko et al. and Sanda et al. Specifically, the Examiner asserts that Sanda et al. teaches a drive roller having a plating on its outer surface made of chrome, citing col. 6, lines 1-5 and 38-46 of Sanda et al. The Examiner further asserts that it would have been obvious to modify the alleged plating of Bobeczko et al. to include chrome as allegedly suggested by Sanda et al., "to reinforce with a hardness layer for continuous contact," citing col. 5, lines 61-67 of Sanda et al.

Specifically, Bobeczko et al. discloses a drive roller 34 including a hub 35 and a flexible outer cover 36. Bobeczko et al. states the following in reference to the outer cover 36:

Cover 36 is made from a material having a relatively low compressive yield strength, preferably plastic or rubber, so that the cover and thus outside surface 48 thereof will deflect or deform and thus conform to the cross-sectional contour of a wire W in response to the compressive forces generated as the wire extends between opposing drive rollers 34, as is illustrated with respect to one of the rollers in FIG. 5A.

(Col. 8, lines 24-31). The purpose for adding the flexible cover 36 to the drive roller 34 is also disclosed in Bobeczko et al. as follows:

Such conformity increases surface area contact and support between the drive rollers and the wire thus promoting the desired frictional force to advance the wire, and also eliminates the deformation of wire resulting from the use of steel rollers as shown in FIG. 10A and discussed above.

(Col. 8, lines 31-36).

Applicant respectfully submits that one skilled in the art would not be motivated to modify the teachings of Bobeczko with those of Sanda et al. More particularly, Bobeczko et al. is directed to a drive roller having a flexible cover that has a relatively low compressive yield strength for purposes of conforming to the shape of a wire driven by the drive roller. Quite simply, no one skilled in the art would be motivated to modify the wire feeder drive roller of Bobeczko et al. to add a plating thereon in view of the respective disclosures of the applied references.

It is unclear if the Examiner is asserting that the flexible cover of Bobeczko et al. have the chrome plating of Sanda et al. added on top or instead of the flexible cover. In either case, Applicant respectfully asserts that one skilled in the art would not be motivated to modify the drive roller of Bobeczko et al. with the teachings of Sanda et al. The purpose of the flexible cover is to reduce the compressive yield strength of the material contacting the wire so it seems disingenuous to allege that one skilled in the art would be likely to modify this arrangement with a chrome coating that would have the opposite effect on the drive roller, i.e., the increase the compressive yield strength of the surface contacting the wire and eliminate the desired deformation attribute of the flexible cover.

For at least the reasons discussed hereinabove, it is respectfully submitted that claims 1-5, 9-12 and 15-18 are in condition for allowance.

Applicant also asserts that the combination of McBride and Bobeczko et al., which was used to reject claims 6-8 and 19-24 as allegedly being obvious, is improper. As indicated above, Bobeczko et al. is concerned with providing a drive roller on a wire feeder with a flexible outer cover that is made from a material having a relatively low compressive yield strength, preferably plastic or rubber, so that the cover and thus the outside surface 48 thereof will deflect or deform and thus conform to the cross-sectional contour of the wire W in response to compressive forces generated as the wire extends between opposing drive rollers 34. McBride teaches a roller 18 having a layer 28 of a resilient material such as rubber and a relatively thin, hard shell 30 of metal such as nickel encasing the rubber length 28 for flexure therewith. The Examiner asserts that it would have been obvious to modify the alleged plating of Bobeczko et al. to include nickel as suggested by McBride, **to provide flexure** (citing Col. 2, line 67 of the '760 McBride patent (*emphasis added*)).

Applicant respectfully asserts that the alleged motivation, i.e., to provide flexure, is specious and does not show why one skilled in the art would modify the flexible cover 36 of Bobeczko et al. to be formed of nickel or to have a nickel coating added thereon. Line 67 of McBride merely states that nickel encasing the rubber will flex when the rubber layer flexes. There is simply no indication that adding a nickel coating to a wire feeder drive roller is desirable. The drive roller 18 of McBride is used in an apparatus for producing plastic sheet material such as is frequently used by the greeting card industry (Col. 1, lines 1-5). The purpose of the nickel coating on the rubber layer in McBride is specified as enabling a more uniform finish to be imparted to the drive roller than has heretofore been possible (see Col. 3, line 67 - Col. 4, line 2). This motivation for adding a nickel coating to a wire feeder in a plastic extrusion apparatus is inapplicable to the drive roller of a wire feeder apparatus. More particularly, the drive rollers in a wire feeder are used to move an electrode wire to a welding operation. While degradation of the welding wire is not particularly desired, the appearance, and therefore the surface finish of the rollers, need not be so uniform as to allow for a polished finish to be imparted thereto, a primary reason for adding nickel in McBride (see Col. 4 of McBride at lines 5+).

Accordingly, for all of these reasons, Applicant respectfully submits that the combination of McBride with Bobeczko et al. is improper and the obviousness rejections against claims 6-8 and 19-24 should be withdrawn.

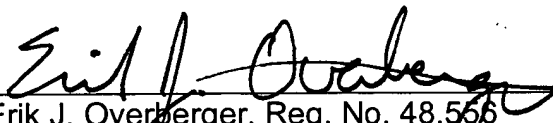
### CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance, defining over any fair teaching attributable to the references of record. Alternatively, if the Examiner is of the view that the application is not in clear condition for allowance, it is requested that the Examiner telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. Accordingly, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

July 11, 2006  
Date

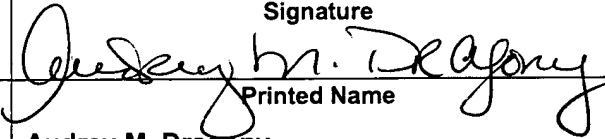
  
Erik J. Overberger, Reg. No. 48,566  
1100 Superior Avenue, Seventh Floor  
Cleveland, OH 44114-2579  
216-861-5582

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### CERTIFICATE OF MAILING OR TRANSMISSION

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